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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Breier et al.

Serial No.: 09/445,201

Filed: April 12, 2000

Title: REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION
OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN
VIVO AND USES THEREOF

Art Unit: 1633

Examiner: C. Drabik

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Commissioner for Patents
Washington, D.C. 20231

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AMENDMENT IN RESPONSE TO THE OFFICE ACTION

Responsive to the Office Action mailed July 18, 2001, entry of the amendments and reconsideration of the application in view of the amendments and the following remarks respectfully are requested.

02/15/2002 MBERHE 00000003 09445201

01 FC:203 72.00 OP
02 FC:204 140.00 OP

| CERTIFICATION UNDER 37 CFR §1.8 | |
|--|----------------------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, January 17, 2002, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231. | |
| Aldon Griffis (Name of Person Mailing Paper) | |
| Aldon Griffis (Signature) | January 17, 2002 (Date) |

I. AMENDMENTS

A. In the Specification

Please amend the third paragraph on page 29, the paragraph which describes Figure 1, to appear as follows:

C1
Nucleotide sequence of the murine Flk-1 gene (SEQ ID NO:1). The ATG codon is at position +299. The three exons are indicated in bold. Motifs for transcription factors are underlined. VRE: vascular response element. Enhancer elements of the present invention that confer expression in endothelial cells are found in the first intron (nucleotides 7027 to 10642). These enhancer elements include the nucleotide sequence from nucleotide 8260 to nucleotide 10560, from nucleotide 8336 to nucleotide 10608 and/or from nucleotide 10094 to nucleotide 10608.

B. In the Claims

Please cancel claims 24, 34, and 35.

Please amend claims 1, 3, 4, 6, 7, 9, 10, 11, 13, 14, 17, and 19-23 to read as follows:

1. (Amended) A recombinant DNA molecule comprising:

- C2
- (a) at least one first regulatory sequence which confers expression in endothelial cells in vivo, wherein said first regulatory sequence is selected from the group consisting of
 - (i) DNA sequences comprising a nucleotide sequence as given in SEQ ID NO: 1;
 - (ii) DNA sequences comprising a nucleotide sequence of SEQ ID NO: 1 from nucleotide 8260 to nucleotide 10560, from nucleotide 8336 to nucleotide 10608 and/or from nucleotide 10094 to nucleotide 10608;
 - (iii) DNA sequences comprising a nucleotide sequence which hybridizes with a nucleotide sequence of (i) or (ii) under stringent conditions; and
 - (iv) DNA sequences comprising a fragment of a nucleotide sequence of (i) (ii), or (iii); and